

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-01221-TJK

BELL v. BUREAU OF ALCOHOL, TOBACCO & FIREARMS
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 06/15/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**JERMAINE BELL**

represented by **JERMAINE BELL**
R33031-037
ALLENWOOD
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 3000
WHITE DEER, PA 17887
PRO SE

V.

Defendant**BUREAU OF ALCOHOL, TOBACCO
& FIREARMS**

represented by **Patricia K. McBride**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/15/2017	<u>1</u>	COMPLAINT against BUREAU OF ALCOHOL, TOBACCO & FIREARMS (Filing fee \$ 400, receipt number 4616085529) filed by JERMAINE BELL. (Attachments: # <u>1</u> Civil Cover Sheet)(td) (Entered: 06/23/2017)
06/23/2017		SUMMONS Not Issued as to BUREAU OF ALCOHOL, TOBACCO & FIREARMS; UNITED STATES ATTORNEY; UNITED STATES ATTORNEY GENERAL (td) (Entered: 06/23/2017)
07/26/2017	<u>2</u>	NOTICE of Change of Address by JERMAINE BELL (td) (Entered: 08/01/2017)
09/18/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge Christopher R. Cooper is no longer assigned to the case. (ztnr) (Entered: 09/18/2017)
11/01/2017	<u>3</u>	ORDER: In order to avoid a mandatory dismissal of this action, on or before November 17, 2017, Plaintiff shall either (1) cause process to be served upon Defendant and file proof of service with the Court, or (2) file a motion to enlarge time to serve process and show good cause, if any, for failure to serve process in a timely fashion. See Order for details. Signed by Judge Timothy J. Kelly on 11/1/2017. (lctjk3) (Entered: 11/01/2017)
11/01/2017		Set/Reset Deadlines: By 11/17/17, Plaintiff's cause process shall to be served upon Defendant and file proof of service with the Court, or (2) file a motion to enlarge time to serve process and show good cause, if any, for failure to serve process in a timely fashion.(tj) (Entered: 11/01/2017)

11/01/2017		ENTERED IN ERROR.....MINUTE ORDER: An Initial Scheduling Conference is set for December 5, 2017, at 10:00 a.m. before Judge Timothy J. Kelly in Courtroom 11. The parties shall meet, confer, and submit a joint report pursuant to FRCP 26(f) and Local Rule 16.3. Signed by Judge Timothy J. Kelly on 11/1/2017. (lctjk3) Modified on 11/1/2017 to enter in error as filed in incorrect case; please disregard.(ztnr) (Entered: 11/01/2017)
11/15/2017	<u>4</u>	MOTION to Continue by JERMAINE BELL (jf) (Entered: 11/20/2017)
11/29/2017		MINUTE ORDER: It is hereby ORDERED that, for good cause shown, Plaintiff's <u>4</u> Motion for Extension of Time to Serve Defendant is granted. It is FURTHER ORDERED that by December 21, 2017 Plaintiff shall either (1) cause process to be served upon Defendant and file proof of service with the Court, or (2) file another motion to enlarge time to serve process and show good cause, if any, for further failure to serve process in a timely fashion. Signed by Judge Timothy J. Kelly on 11/29/2017. (Entered: 11/29/2017)
12/11/2017		Summons (3) Issued as to BUREAU OF ALCOHOL, TOBACCO & FIREARMS. (jf) (Entered: 12/11/2017)
01/04/2018	<u>6</u>	AFFIDAVIT of Mailing re <u>1</u> Complaint by JERMAINE BELL. (jf) (Entered: 01/11/2018)
01/10/2018	<u>5</u>	NOTICE of Appearance by Patricia K. McBride on behalf of BUREAU OF ALCOHOL, TOBACCO & FIREARMS (McBride, Patricia) (Entered: 01/10/2018)
01/23/2018	<u>7</u>	MOTION for Extension of Time to File Answer by BUREAU OF ALCOHOL, TOBACCO & FIREARMS (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 01/23/2018)
01/24/2018		MINUTE ORDER granting <u>7</u> Defendant's Motion for Extension of Time. It is hereby ORDERED that Defendant shall file its response to Plaintiff's complaint by March 5, 2018. Signed by Judge Timothy J. Kelly on 1/24/2018. (lctjk3) (Entered: 01/24/2018)
02/01/2018	<u>8</u>	MOTION to Appoint Counsel by JERMAINE BELL (jf) (Entered: 02/02/2018)
02/22/2018	<u>9</u>	ANSWER to <u>1</u> Complaint by BUREAU OF ALCOHOL, TOBACCO & FIREARMS.(McBride, Patricia) (Entered: 02/22/2018)
05/03/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall each file a proposed schedule for briefing or disclosure by May 31, 2018. If practicable, the parties may also meet, confer, and file a joint proposed schedule. Signed by Judge Timothy J. Kelly on 5/3/2018. (lctjk3) (Entered: 05/03/2018)
05/04/2018	<u>10</u>	ORDER denying Plaintiff's <u>8</u> Motion to Appoint Counsel. See the attached Order for additional details. Signed by Judge Timothy J. Kelly on 5/4/2018. (lctjk3) (Entered: 05/04/2018)
05/23/2018	<u>11</u>	MOTION for Proposed Briefing Schedule by JERMAINE BELL. (tth) (Entered: 05/25/2018)
05/30/2018	<u>12</u>	PROPOSED BRIEFING SCHEDULE by BUREAU OF ALCOHOL, TOBACCO & FIREARMS. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(McBride, Patricia) (Entered: 05/30/2018)
05/31/2018		MINUTE ORDER: Upon review of the parties' filings (ECF No. 11–12) regarding a proposed schedule, it is hereby ORDERED that Defendant shall file its Motion for Summary Judgment by July 31, 2018; Plaintiff shall file his Opposition to Defendant's Motion for Summary Judgment and any Cross–Motion for Summary Judgment by August 31, 2018; Defendant shall file its Opposition to any Cross–Motion for Summary Judgment and Reply in support of its Motion for Summary Judgment by September 27, 2018; and Plaintiff shall file his Reply in support of any Cross–Motion for Summary Judgment by October 25, 2018. If either party wishes to modify these deadlines in the future, they shall promptly move to do so. In light of this schedule, it is further ORDERED that Plaintiff's <u>11</u> Motion for Proposed Briefing Schedule is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 5/31/2018. (lctjk3) (Entered: 05/31/2018)

07/31/2018	<u>13</u>	MOTION for Summary Judgment by BUREAU OF ALCOHOL, TOBACCO & FIREARMS (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration, # <u>3</u> Exhibit Exhibits Attached to Declaration, # <u>4</u> Text of Proposed Order)(McBride, Patricia) (Entered: 07/31/2018)
08/01/2018	<u>14</u>	ERRATA by BUREAU OF ALCOHOL, TOBACCO & FIREARMS. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration)(McBride, Patricia) (Entered: 08/01/2018)
08/30/2018	<u>15</u>	MOTION for Extension of Time by JERMAINE BELL (jf) (Entered: 09/04/2018)
09/05/2018		MINUTE ORDER: If Defendant opposes Plaintiff's <u>15</u> Motion for Extension, it shall file an opposition by September 6, 2018. Signed by Judge Timothy J. Kelly on 9/5/2018. (lctjk3) (Entered: 09/05/2018)
09/05/2018		Set/Reset Deadlines: Response due by 9/6/2018. (kh) (Entered: 09/05/2018)
09/07/2018		MINUTE ORDER granting Plaintiff's <u>15</u> Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file his Opposition to Defendant's Motion for Summary Judgment and any Cross-Motion for Summary Judgment by October 1, 2018; Defendant shall file its Opposition to any Cross-Motion for Summary Judgment and Reply in support of its Motion for Summary Judgment by October 29, 2018; and Plaintiff shall file his Reply in support of any Cross-Motion for Summary Judgment by November 29, 2018. Signed by Judge Timothy J. Kelly on 9/7/2018. (lctjk3) (Entered: 09/07/2018)
09/07/2018		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 10/1/2018. Reply to Motion for Summary Judgment due by 10/29/2018. (kh) (Entered: 09/07/2018)
09/27/2018	<u>16</u>	MOTION for Summary Judgment by JERMAINE BELL. (tth) (Entered: 10/01/2018)
09/27/2018	17	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment filed by JERMAINE BELL. (See Docket Entry <u>16</u> to view document) (tth) (Entered: 10/01/2018)
10/29/2018	<u>18</u>	MOTION for Extension of Time to by BUREAU OF ALCOHOL, TOBACCO & FIREARMS (McBride, Patricia) (Entered: 10/29/2018)
10/30/2018		MINUTE ORDER treating as opposed and granting, for good cause shown, Defendant's <u>18</u> Motion for Extension of Time. It is hereby ORDERED that Defendant shall file its opposition to Plaintiff's <u>16</u> Motion for Summary Judgment and its reply in support of its <u>13</u> Motion for Summary Judgment by November 8, 2018; and that Plaintiff shall file his reply in support of his <u>16</u> Motion for Summary Judgment by December 10, 2018. Counsel is reminded that LCvR 7(c) requires that a proposed order accompany each motion. The parties are advised that any further motions for extensions of time in this matter without consent of the opposing party must be filed at least one week in advance of the deadline to be extended. Untimely motions to extend time must contain an explanation for failing to comply with the one-week rule. Signed by Judge Timothy J. Kelly on 10/30/2018. (lctjk3) (Entered: 10/30/2018)
11/08/2018	<u>19</u>	ENTERED IN ERROR. . . .REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by BUREAU OF ALCOHOL, TOBACCO & FIREARMS. (McBride, Patricia) Modified on 11/9/2018 (ztd). (Entered: 11/08/2018)
11/09/2018		NOTICE OF CORRECTED DOCKET ENTRY: re <u>19</u> Reply to opposition to Motion was entered in error per counsel will refile said pleading. (ztd) (Entered: 11/09/2018)
11/09/2018	<u>20</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by BUREAU OF ALCOHOL, TOBACCO & FIREARMS. (Attachments: # <u>1</u> Declaration)(McBride, Patricia) (Entered: 11/09/2018)
12/06/2018	<u>22</u>	MOTION for Extension of Time to File final Response/Reply by JERMAINE BELL (ztd) (Entered: 12/10/2018)
12/07/2018	<u>21</u>	REPLY to opposition to motion re <u>13</u> MOTION for Summary Judgment filed by BUREAU OF ALCOHOL, TOBACCO & FIREARMS. (McBride, Patricia) (Entered: 12/07/2018)

12/10/2018		MINUTE ORDER: Defendant shall file its opposition, if any, to Plaintiff's <u>22</u> Motion for Extension of Time by December 13, 2018. Signed by Judge Timothy J. Kelly on 12/10/2018. (lctjk3) (Entered: 12/10/2018)
12/19/2018		MINUTE ORDER granting Plaintiff's <u>22</u> Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file his reply in support of his <u>16</u> Motion for Summary Judgment by January 9, 2019. Signed by Judge Timothy J. Kelly on 12/19/2018. (lctjk3) (Entered: 12/19/2018)
12/20/2018		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 1/9/2019. (kh) (Entered: 12/20/2018)
12/21/2018	<u>23</u>	LEAVE TO FILE DENIED – Plaintiff's Surreply to Defendant's Reply Memorandum in Support of Its Motion for Summary Judgment. This document is unavailable as the Court denied its filing. "Leave to file is DENIED. Surreplies are not authorized under the local rules, they are generally disfavored, and Plaintiff has not shown why his is appropriate here." Signed by Judge Timothy J. Kelly on 12/21/2018. (tth) (Entered: 12/21/2018)
01/29/2019	<u>24</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment filed by JERMAINE BELL. "Leave to file GRANTED" by Judge Timothy J. Kelly on 1/29/19. (Attachment: # <u>1</u> Exhibit) (tth) (Entered: 02/05/2019)
02/08/2019	<u>25</u>	ORDER denying without prejudice Defendant's <u>13</u> Motion for Summary Judgment and denying without prejudice Plaintiff's <u>16</u> Motion for Summary Judgment. See Order for details. Signed by Judge Timothy J. Kelly on 2/8/2019. (lctjk3) (Entered: 02/08/2019)
03/04/2019	<u>26</u>	PROPOSED BRIEFING SCHEDULE by BUREAU OF ALCOHOL, TOBACCO & FIREARMS. (McBride, Patricia) (Entered: 03/04/2019)
03/05/2019		MINUTE ORDER: It is hereby ORDERED that Defendant's renewed motion for summary judgment shall be due by May 30, 2019; Plaintiff's response and renewed cross-motion for summary judgment shall be due by July 8, 2019; Defendant's reply in support of its motion and response to Plaintiff's cross-motion shall be due by July 29, 2019; and Plaintiff's reply in support of his cross-motion shall be due by August 19, 2019. Signed by Judge Timothy J. Kelly on 3/5/2019. (lctjk3) (Entered: 03/05/2019)
03/06/2019		Set/Reset Deadlines: Plaintiff's Cross Motion due by 7/8/2019. Response to Cross Motion due by 7/29/2019. Reply to Cross Motion due by 8/19/2019. (kh) (Entered: 03/06/2019)
05/21/2019	<u>27</u>	MOTION for Extension of Time to <i>File a Dispositive Motion and to Adjust the Briefing Schedule</i> by BUREAU OF ALCOHOL, TOBACCO & FIREARMS (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 05/21/2019)
05/22/2019		MINUTE ORDER denying without prejudice Defendant's <u>27</u> Motion for Extension of Time. In Defendant's motion for an extension of its deadline to file a renewed summary judgment motion, Defendant asserts that it needs the extension because the agency plans to "conduct a supplemental search," review the documents it finds, and "prepare a supplemental declaration." ECF No. 27 at 1. Defendant does not, however, explain why the agency did not take those steps already, in anticipation of the present deadline, nor why they will delay Defendant's renewed summary judgment motion until July 2, 2019. Without that information, the Court sees no good cause to grant the extension. Therefore, it is hereby ORDERED that Defendant's <u>27</u> Motion for Extension of Time is DENIED WITHOUT PREJUDICE. Signed by Judge Timothy J. Kelly on 5/22/2019. (lctjk3) (Entered: 05/22/2019)
05/23/2019	<u>28</u>	NOTICE by BUREAU OF ALCOHOL, TOBACCO & FIREARMS (McBride, Patricia) (Entered: 05/23/2019)
05/28/2019		MINUTE ORDER: Upon consideration of Defendant's representations in its <u>28</u> Notice, it is hereby ORDERED that Defendant's renewed motion for summary judgment shall be due by July 2, 2019; Plaintiff's response and renewed cross-motion for summary judgment shall be due by August 7, 2019; Defendant's reply in support of its motion and response to Plaintiff's cross-motion shall be due by August 28, 2019; and Plaintiff's reply in support of his cross-motion shall be due by September 18, 2019. Signed by Judge Timothy J. Kelly on 5/28/2019. (lctjk3) (Entered: 05/28/2019)

07/02/2019	<u>29</u>	ENTERED IN ERROR.....MOTION for Summary Judgment by BUREAU OF ALCOHOL, TOBACCO & FIREARMS (McBride, Patricia) Modified on 7/3/2019 (jf). (Entered: 07/02/2019)
07/03/2019		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>29</u> MOTION for Summary Judgment was entered in error and counsel was instructed to refile said pleading. (jf) (Entered: 07/03/2019)
07/03/2019	<u>30</u>	MOTION for Summary Judgment by BUREAU OF ALCOHOL, TOBACCO & FIREARMS (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration Siple Decl with Exhibits)(McBride, Patricia) (Entered: 07/03/2019)